

	Administrative Regulation Reporting Improper or Unlawful Conduct	Policy #	03-07.03
		Effective Date:	May 30, 2017
		Revision Date:	October 11, 2021
		Owner:	Human Resources

Purpose:

This administrative regulation is intended to encourage individuals, who in good faith and with reasonable grounds, to report suspected or actual occurrence(s) of illegal, unethical or inappropriate behaviors or practices without retaliation.

Scope:

Applies generally to all City of Springfield employees, volunteers, interns, contracted employees, or other City officials, hereby stated as ‘employees’.

Policy:

Employees may report concerns about the City’s compliance with any law, regulation or policy, using one of the methods identified in this policy. The City will not retaliate against employees who disclose information that the employee reasonably believes is evidence of:

- A violation of any federal, Oregon, or local law, rules or regulations by the City;
- Mismanagement, gross waste of funds, abuse of authority;
- A substantial and specific danger to public health and safety resulting from actions of the City;
- The fact that a recipient of government services is subject to a felony or misdemeanor arrest warrant; or
- Any violation of law, regulation or standard pertaining to safety and health in the place of employment when the violation comes to the knowledge of the employee.

Further, in accordance with Oregon law, the City will not prohibit an employee from discussing the activities of a public body or a person authorized to act on behalf of a public body with a member of the Legislative Assembly, legislative committee staff acting under the direction of a member of the Legislative Assembly, any member of the elected governing body of a political subdivision, or an elected auditor of a city, county or metropolitan service district.

Procedure:

1. Employee Reporting Options

- 1.1. In addition to what is outlined in the City’s Open Door Policy, employees who are aware of or facing retaliation in the workplace should immediately report that information to

their supervisor. If the employee is not comfortable speaking with their supervisor, or are not satisfied with the supervisor's response, they are encouraged to speak with the department director.

- 1.2. Supervisors, managers and department directors are required to inform the City Manager promptly about reports of improper or unlawful conduct they receive from employees.
- 1.3. Reports of unlawful or improper conduct will be kept confidential to the extent allowed by law and consistent with the need to conduct an impartial and efficient investigation.
- 1.4. If the City were to prohibit, discipline, or threaten to discipline an employee for engaging in an activity described above, the employee may file a complaint with the Oregon Bureau of Labor and Industries or bring civil action in court to secure all remedies provided for under Oregon law.

2. Additional Protections for Reporting Employees

- 2.1. Oregon law provides that, in some circumstances, an employee who discloses a good faith and objectively reasonable belief of the City's violation of law will have an "affirmative defense" to any civil or criminal charges related to the disclosure. For this defense to apply, the employee's disclosure must relate to the conduct of their coworker or supervisor acting within the course and scope of their employment. The disclosure must have been made to:
 - 2.1.1. A state or federal regulatory agency;
 - 2.1.2. A law enforcement agency;
 - 2.1.3. A manager with the City; or
 - 2.1.4. An Oregon-licensed attorney who represents the employee making the report/disclosure.
- 2.2. The defense also only applies in situations where the information disclosed was lawfully accessed by the reporting employee.

3. No Retaliation

- 3.1. The City will not retaliate against employees who make reports or disclosures of information of the type described above when the employee reasonably believes they are disclosing information about conduct that is improper or unlawful, and who lawfully accessed information related to the violation (including information that is exempt from disclosure as provided in Oregon law or by City policy).
- 3.2. In addition, the City prohibits retaliation against an employee for participating in good faith in any investigation or proceeding resulting from a report made pursuant to this policy. Further, no City employee will be adversely affected because they refused to carry out a directive that constitutes fraud or is a violation of local, Oregon, federal or other applicable laws and regulations. The City may take disciplinary action (up to and

including termination of employment) against an employee who has engaged in retaliatory conduct in violation of this policy.

- 3.3. This policy is not intended to protect an employee from the consequences of their own misconduct or inadequate performance simply by reporting the misconduct or inadequate performance. Furthermore, an employee is not entitled to protections under this policy if the City determines that the report was known to be false, or information was disclosed with reckless disregard for its truth or falsity. If such a determination is made, an employee may be subject to discipline up to and including termination of employment.

Definitions

1. “*Abuse*” is the intentional or improper use of Government resources. Examples include misuse of rank, position, or authority or misuse of resources such as tools, vehicles, or equipment.
2. “*City Official*” means any elected official, employee, intern, appointee of a board or commission or volunteer authorized to act on behalf of the City of Springfield.
3. “*Fraud*” is a false representation about a material fact. It is any intentional deception designed to deprive the City of Springfield of something of value or to secure from the City of Springfield for an individual a benefit, privilege, allowance, or consideration to which he or she is not entitled.
4. “*Waste*” is the extravagant, careless or needless expenditure of Government funds, or the consumption of Government property, that results from deficient practices, systems, controls or decisions. The term also includes improper practices not involving prosecutable fraud.

Resources: Not Applicable.

1. [Open Door Policy](#)
2. [Whistleblower Protections, \(BOLI\) Uniform Standards and Procedures Manual](#)

CREATION (Original):

This administrative regulation is in effect as of the date of my signature. I authorize the Human Resource Director to modify the history and resources sections and header, footer, and numbering without my reauthorization. The administrative regulation remains in effect should these revisions occur.			
Approved By:	Gino Grimaldi, City Manager	Dates:	May 30, 2017
Author: Chaim Hertz, Director of Human Resources			
Responsible Party: Human Resources			
Replaces: N/A			

PERIODIC REVIEW:

Reviewer:		Date:	
Reviewer:		Date:	
Reviewer:		Date:	
Reviewer:		Date:	
Reviewer:		Date:	

REVISIONS:

Version #2:	Responsible Party:	Human Resources		
	Revised By:	Chaim Hertz, Director of Human Resources		
	Approved By:	Nancy Newton, City Manager	Date:	10/08/2021
	Reason/Summary of Changes:	Retitled from "Whistleblower Disclosure". Policy and procedural language changes per CIS guidance.		